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RICHARD W. WIEKING
CLERK, U.S. DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA

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Attorneys for Defendant
Farr Financial, Inc.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION

HOWARD B. HIGGINS, an individual,)
Plaintiff,)
vs.)
FARR FINANCIAL, INC., a California)
Corporation, ZENITH INVESTMENT)
GROUP LLC, a California Limited)
Liability Company, AMAECHI)
GEORGE OZOR, an individual, and)
JOHN/JANE DOES I-X, individuals or)
entities whose identities are unknown,)
Defendants.)

No. C 07-02200 JSW

**STIPULATION AND
PROPOSED ORDER TO
EXTEND DEFENDANT FARR
FINANCIAL, INC.'S ("FARR")
TIME TO REPLY TO
PLAINTIFF'S OPPOSITION TO
FARR'S MOTION TO DISMISS**

Motion To Dismiss
Hearing Date: Jan. 4, 2008
Time: 9:00 a.m.
Judge: Hon. Jeffery S. White
Ct. rm.: 2, 17th Floor
Trial: None Set

Defendant Farr Financial, Inc. ("Farr") and Plaintiff Howard B. Higgins,
hereby stipulate to extend the time for Farr Financial, Inc. to file a reply to Plaintiff's
opposition to Farr's pending motion to dismiss from December 4, 2007, to December
11, 2007, and the stipulating parties hereby respectfully request an order by this Court
approving this extension.

Farr filed its motion to dismiss on October 22, 2007, and set a hearing date for
November 30, 2007. Thereafter, plaintiff requested, and Farr agreed to stipulate to, a

1 request to this Court to continue the hearing date to December 14, 2007, in part to
 2 allow plaintiff more time to obtain California counsel. This Court responded with an
 3 order entered November 13, 2007, wherein it continued the hearing date to January 4,
 4 2008, set a November 27, 2007, date for plaintiff to file his opposition, and a
 5 December 4, 2007, date for Farr to file any reply to the opposition.

6 Moreover, the Court stated in its order that: "If the parties wish to modify this
 7 schedule, they may submit for the Court's consideration a stipulation and proposed
 8 order demonstrating good cause for any modification requested."

9 Good cause exists to grant the proposed order to extend time for Farr to reply to
 10 plaintiff's opposition to the motion to dismiss. Neither of Farr's counsel received
 11 plaintiff's opposition papers until they arrived in the mail mid-day on Thursday,
 12 November 29, 2007. (Plaintiff is appearing pro se in this case, and therefore has not
 13 been electronically filing documents with the court. Therefore plaintiff's papers were
 14 not electronically served on Farr's counsels.)

15 Moreover, plaintiff's opposition consists of a twenty-four (24) page
 16 memorandum of points and authorities, as well as a declaration with sixty-one (61)
 17 pages of attachments. Absent an extension of time to file a reply, Farr will have only
 18 about 2.5 court days to prepare a response to all of plaintiff's opposition arguments.

19 In addition, granting the requested extension of time for Farr to file its reply
 20 would not alter any hearing or other matter set by this Court. In fact, other than the
 21 date for Farr to file its reply, there are no other pending deadlines or court dates in this
 22 case prior to the January 4, 2008, date for the hearing on Farr's motion to dismiss, and
 23 the case management conference also set for January 4, 2008.

24 Therefore, the only impact that this stipulation and proposed order will have on

25 ///

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1 this Court's schedule, if it is granted, is to move Farr Financial, Inc.'s time to file a
2 reply by one week, to December 11, 2007.

3 IT IS SO STIPULATED:
4

5 Dated: November 30, 2007

LAW OFFICES OF DEK KETCHUM

6
7 By: 

JAY M. GOLDMAN

8 Attorneys for Defendant Farr Financial, Inc.
9

10 Dated: November 30, 2007

11
12 By: 

HOWARD B. HIGGINS

13 Plaintiff Pro Se
14

15 **ORDER**

16 Good cause appearing, IT IS SO ORDERED that the time for defendant Farr
17 Financial, Inc. ("Farr") to file its reply to plaintiff's opposition to Farr's motion to
18 dismiss is hereby extended by one week from December 4, 2007, to December 11,
19 2007.

20 DEC 6 3 2007

21 Dated: ~~November~~, 2007

22 
23 HON. JEFFREY S. WHITE

24 United States District Judge
25
26
27
28

UNITED STATES DISTRICT COURT
FOR THE
NORTHERN DISTRICT OF CALIFORNIA

HOWARD B. HIGGINS,
Plaintiff,

Case Number: CV07-02200 JSW

CERTIFICATE OF SERVICE

v.

FARR FINANCIAL INC., ET AL et al,
Defendant.

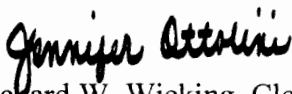
I, the undersigned, hereby certify that I am an employee in the Office of the Clerk, U.S. District Court, Northern District of California.

That on December 3, 2007, I SERVED a true and correct copy(ies) of the attached, by placing said copy(ies) in a postage paid envelope addressed to the person(s) hereinafter listed, by depositing said envelope in the U.S. Mail, or by placing said copy(ies) into an inter-office delivery receptacle located in the Clerk's office.

Howard B. Higgins
P.O. Box 455
Pocatello, ID 83204-0455

Jay Michael Goldman
Law Office of Dek Ketchum
900 Veterans Boulevard
Suite 600
Redwood City, CA 94063

Dated: December 3, 2007


Richard W. Wieking, Clerk
By: Jennifer Ottolini, Deputy Clerk